

Shawn Talbot: Rice
in "care of" general post-office box 1092.
nation arizona. seligman city. Rice province.
United States minor, outlying islands
near [86337-1092].

2012 SEP 17 P 2:35

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEVADA

CLERK OF COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff / Respondent,

vs.

SHAWN TALBOT RICE

Defendant / Petitioner

Case Number: 2:09-cr-0078 -JCM-RJJ - 2
2:10-cr-00520-JCM-RJJ-1

MOTION TO WAVE ALL COURT FEES

The Defendant motions the Court to wave any and all fees attributable to Defendant's / Inmate's incarceration, particularly those including the trial transcripts dated July 23 and 24, 2012 before the Honorable Judge James C. Mayahan for case number 2:09-cr-0078 -JCM-RJJ, and 2:10-cr-00520-JCM-RJJ.

Attached are exhibits demonstrating that Defendant does not have the approximate \$1500.00 to Pay the court reporter to transcribe the trial.

Exhibit A – Application to Proceed *In Forma Pauperis*

Exhibit B – Affidavit of Shawn Rice regarding financial status

Exhibit C – Copies of commissary accounting statements

Motion to wave all court fees.

1 Exhibit D – Copy of United States Bankruptcy Discharge Order

2
3 It is requested that all fees be waved and the Defendant receive a copy of the entire trial transcript
4 within 14 (fourteen) working days of the judge's signed order.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 Respectfully Submitted, this 13 day of Sept 2012.

2 Shawn Talbot Rice, Pro Per

3 Shawn Talbot Rice, Pro Per

United States District Court
DISTRICT OF NEVADA

SHAWN RICE

~~Plaintiff~~/Petitioner,

APPLICATION TO PROCEED
IN FORMA PAUPERIS

v.

UNITED STATES OF AMERICA

CASE NUMBER:

~~Defendant~~/Respondent,

I, Shawn Talbot Rice, declare that I am the (check the appropriate box)

☐ Plaintiff
(filing 42 U.S.C. § 1983)

☐ Movant
(filing 28 U.S.C. § 2255 motion)

☐ Petitioner
(writ of habeas corpus
28 U.S.C. §§ 2254 or 2241)

☒ Other

☐ Defendant/Respondent

in this case. I am unable to prepay the fees of this proceeding or give security because of my poverty. I acknowledge and consent that a portion of any recovery, as directed by the court, shall be paid to the clerk for reimbursement of all fees incurred by me as a result of being granted leave to proceed *in forma pauperis*.

In further support of this application, I answer the following questions:

1. Are you presently employed? ☐ Yes ☒ No

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (List gross and net salary.)

b. If the answer is "no," state the date of last employment and the amount of the salary or wages per month which you received. 2008, Approx \$1200.00/mo

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment? ☐ Yes ☒ No

- b. Rent payments, interest or dividends? ☐ Yes ☒ No
 c. Pensions, annuities or life insurance payments? ☐ Yes ☒ No
 d. Gifts or inheritances? ☒ Yes ☐ No
 e. Any other sources? ☐ Yes ☒ No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. *Gifts of variable benevolence from extended family. Amount - enough to put into my Commissary account.*

3. Do you own any cash, or do you have money in checking or savings accounts (include any funds in prison accounts, and any funds on deposit with a bank, saving & loan, etc., outside the prison)? ☒ Yes ☐ No *Prison Commissary acct. Avg. 30/month*

If the answer is "yes," state the total value and list the location of each account, type of account, and amount or balance in the account. Do not include your account number(s).

4. Do you own or have any interest in any real estate, stocks, bonds, notes, trusts, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? ☒ Yes ☐ No

If the answer is "yes," describe the property, its location and state its approximate value. *Bench Certificate and Bonds filed with the court. The court judge, magistrate and plaintiff refuse to produce an accounting.*

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support each month.
Kristin Rice - wife I am unable to contribute anything to their support due to fraud by the court, et al.
Naomi Rice - daughter
Noah Rice - Son
6. Do you receive any income from disability, Social Security or any other pension? ☐ Yes ☒ No

If the answer is "yes," describe the source and amount received each month.

7. Have you placed any property, assets or money in the name or custody of anyone else in the last two years? ☐ Yes ☒ No

If the answer is "yes," give the date, describe the property, assets or money, give the name of the person given custody of the item and the reason for the transfer.

Again, the property in question is listed in number "4" above and none of those parties are granting access but have actually thwarted effort to gain access.

ACKNOWLEDGMENT

I, the undersigned, acknowledge that I have read the foregoing and that the information contained therein is true and correct to my own knowledge and belief.

Further, I state that I have not directly or indirectly paid or caused to be paid to any inmate, agent of an inmate, or family member of any inmate a sum of money, favors or anything else for assistance in the preparation of this document or any other document in connection with this action.

Further, I acknowledge that if any of the information included in this motion for leave to proceed *in forma pauperis* is false or misleading, I understand that sanctions may be imposed against me. Those sanctions may include, but are not limited to, the following:

- (1) dismissal of my case with prejudice;
- (2) imposition of monetary sanctions;
- (3) the Nevada Department of Prisons may bring disciplinary proceedings for a violation of MJ-48 of the Code of Penal Discipline, which can include all sanctions authorized under the Code including the loss of good time credits and punitive confinement; and
- (4) perjury charges.

Further, I hereby authorize the United States District Court, District of Nevada, or its representative, to investigate my financial status, and authorize any individual, corporation, or governmental entity to release any such information to the said Court or its representative.

Further, I acknowledge and consent that a portion of any recovery, as directed by the court, shall be paid to the clerk for reimbursement of all fees and costs incurred by me as a result of being granted leave to proceed *in forma pauperis*.

Dated this 23rd day of August, 2012

Shawn Talbot Rice
(Signature of Applicant)

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. I **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Signed at NSDC Rahump, Nevada
(Location)

Shawn Talbot Rice
(Signature)

23 Aug 2012
(Date)

43739048
(Inmate Prison Number)

Attached is my affidavit of fact in support of this motion for In Forma Pauperis status

Shawn Talbot Rice
Signed

23 Aug 2012
date

FINANCIAL CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) if I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is \$5.00, and that such fee will have to be paid by me if the current account balance (line #1 below), or the average account balance (line #2 below), or the average deposits to my account (line #3), whichever is greater, is \$20.00 or more;

(2) if I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is \$350.00, which I must pay in full; and

(a) if my current account balance (line #1 below) is \$350.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$350.00 before I will be allowed to proceed with the action;

(b) if I do NOT have \$350.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds \$10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the \$350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement.

Type of action (check one): ☒ civil rights

☐ habeas corpus

Shawn Talbot Rice
INMATE NAME (printed)

Shawn Talbot Rice
SIGNATURE & PRISON NUMBER 43739048

1. CURRENT ACCOUNT BALANCE

\$ 10.00 approx. 6/30/2012

2. AVERAGE MONTHLY BALANCE*

\$ 63.00 approx

3. AVERAGE MONTHLY DEPOSITS*

4. FILING FEE (based on #1, #2 or #3, whichever is greater)

* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

(Please sign in ink in a)
(color other than black.)

AUTHORIZED OFFICER

DATE

TITLE

Shawn Talbot Rice, Inmate # 43739048
Nevada Southern Detention Center
2190 E. Mesquite Ave.
Pahrump, NV 89060

AFFIDAVIT of Shawn Talbot Rice

State of Nevada)
Clark County)
) Subscribed, Affirmed and Sealed

I, Shawn Talbot Rice, sui juris (Affiant), appear and state under penalty of perjury that the following is true and correct.

1. Affiant is a man, sovereign without subjects, operating on the soil of Yavapai County, Arizona, temporarily incarcerated in Nye County, Nevada.
2. Affiant *operates* and delivers this data with personal knowledge of the fact, unless stated to contrary (information and belief).
3. At all times Affiant, concerning this instant matter, lived in Yavapai County, Arizona prior to incarceration.
4. I, Shawn Rice am without funds to peruse the normal cost for a criminal defense. Therefore I, the affiant plead the court's granting this status of In Forma Pauperus.
5. In support of this request the court is appraised of a chapter 7 bankruptcy filed in Federal Court in Phoenix, Arizona, February 2012, Case # 2:12-bk-00780-RTBP. (See attached order)
6. The only funds available to this family unit are benevolent support from extended friends and family.
7. The USDC Las Vegas Court (Article I) has manufactured a pauper using fraud and decit in creating a victimless regulatory infraction.
8. Affiant has paid numerous bonds to plaintiff / clerk of court.
9. Neither plaintiff nor Clerk of Court have produced an accounting as requested by Affiant.

10. Nevada Southern Detention Case Manager, Chism and other management would not fill out the financial Certificate of the In Forma Pauperis, that was submitted to them on 4 September, 2012, indicating that they did not have time to fill it out and return it.
11. Attached is the accounting of my commissary trust fund (#1390278). To the best of my ability based on the copies of the monthly statements from Nevada Southern Detention Center. Two of the months (March and July) have to be approximated, due to the fact that I no longer have a copy of the accounting statements.

March, 2012	\$50.00 (approximate)
April, 2012	\$55.00
May 2012	\$30.00
June 2012	\$25.00
July 2012	\$50.00 (approximate)
August 2012	\$170.00

Total: \$380.00

Average monthly balance for the past 6 months is approximately \$63.00

\

\

\

I, Shawn Talbot Rice, affirm under penalty of perjury that I have read the foregoing, know the contents therein and that to the best of my knowledge, understanding and belief, it is true, correct, and not misleading, the truth, and nothing but the truth.

Shawn Talbot Rice

Shawn Talbot

P.O.Box 1092

Seligman, AZ 86337

217-853-6269

Acknowledgment

\
State of Nevada)

) Subscribed, affirmed and sealed

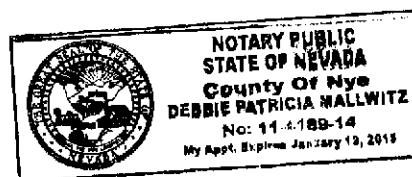
Nye County)
\

On this 30 day of August, 2012, the signor did personally appear before me, is known to be the person described herein, who executed the foregoing, acknowledged the contents thereof, and executed the same as his free act and deed. Subscribed and agreed to before me the undersigned Notary.

Debbie Patricia Hallwitz

Notary Officer _____

seal



ACCOUNT STATEMENT from 4/15/2012 to 5/15/2012

CE, SHAWN TALBOT

Agency #: 43739048

CCA #: 1390278

HOUSING: CA/CA/224/B

Account 1:	\$	45.05
Escrow Account:	\$	0.00
Cost Recovery Owed:	\$	0.00

Current Balance Information

Account 1 Transactions

Transaction Date	From	Transaction Code	Amount	Balance	Note
BALANCE AT BEGINNING OF DATE RANGE -				33.22	
04/16/2012	COMMISSARY PURCHASE	CO Withdrawal	-27.18	6.04	COMMISSARY SUMMARY POSTING
04/24/2012		WI Deposit	55.00	61.04	KRISTIN RICE
04/23/2012					
05/07/2012	COMMISSARY PURCHASE	CO Withdrawal	-13.89	47.15	COMMISSARY SUMMARY POSTING
05/09/2012		PO Withdrawal	-2.10	45.05	Legal documents to legal secretary
SUMMARY OF TRANSACTIONS				11.83	
				45.05	Ending Balance

Cost Recovery Transactions

Transaction Date	From	Transaction Code	Amount	CR Explanation
05/09/2012	Legal documents to legal secret	PO	-2.10	AMOUNT PAID
05/09/2012	Legal documents to legal secret	PO	2.10	AMOUNT OWED
SUMMARY OF TRANSACTIONS (4/15/2012-5/15/2012)				0.00

Current Cost Recovery Owed

CCA Restitution	0.00
Medical Visit Co-Payment	0.00
Agency Fines	0.00
Misc. Cost Recovery	0.00
AZ - AIMS Adjustments	0.00
Total Cost Recovery Owed	0.00

ACCOUNT STATEMENT from 5/15/2012 to 6/15/2012

RICE, SHAWN TALBOT

Agency #: 43739048

CCA #: 1390278

HOUSING: CA/CA/107/B

Account 1: \$ 17.69

Escrow Account: \$ 0.00

Cost Recovery Owed: \$ 0.00

Current Balance Information

Account 1 Transactions

Transaction Date	From	Transaction Code	Amount	Balance	Note
BALANCE AT BEGINNING OF DATE RANGE -				45.05	
05/16/2012 COMMISSARY PURCHASE		CO Withdrawal	-15.86	29.19	COMMISSARY SUMMARY POSTING
05/17/2012		FT Deposit	30.00	59.19	CADC
05/22/2012 COMMISSARY PURCHASE		CO Withdrawal	-7.32	51.87	COMMISSARY SUMMARY POSTING
05/28/2012 COMMISSARY PURCHASE		CO Withdrawal	-13.80	38.07	COMMISSARY SUMMARY POSTING
06/06/2012 COMMISSARY PURCHASE		CO Withdrawal	-3.67	34.40	COMMISSARY SUMMARY POSTING
06/12/2012 COMMISSARY PURCHASE		CO Withdrawal	-16.71	17.69	COMMISSARY SUMMARY POSTING
SUMMARY OF TRANSACTIONS			-27.36		
				17.69	Ending Balance

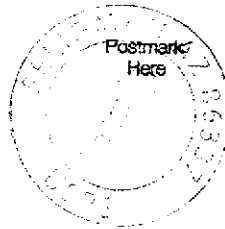
U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
0309 3220 0001 9783 2447

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

COA Unimate Trust
(Please Print Clearly)



POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☒ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

(See Reverse)

PS Form 152, May 2002

DO NOT SEND THIS RECEIPT FOR PAYMENT
KEEP IT FOR YOUR RECORDS

50860669083 120608 863370 **25*00

Sharon Talbot Rice

Correspondence # 1390278

From Kristin Rice
Address PO Box 1042
Seligman AZ 86337

An inquiry Form 3401 may be filed on your behalf for a missing or undelivered item. It will be issued within 90 days after the mailing date. It will take 60 days, provided the money has not been paid.

ACCOUNT STATEMENT from 7/15/2012 to 8/15/2012

ICE, SHAWN TALBOT

Agency #: 43739048

JCA #: 1390278

HOUSING: CA/CA/117/B

Account 1:	\$ 116.08
Escrow Account:	\$ 0.00
Cost Recovery Owed:	\$ 0.00
Current Balance Information	

Account 1 Transactions

Transaction Date	From	Transaction Code	Amount	Balance	Note
BALANCE AT BEGINNING OF DATE RANGE -				30.07	
07/24/2012 COMMISSARY PURCHASE	CO	Withdrawal	-5.00	25.07	COMMISSARY SUMMARY POSTING
07/30/2012 COMMISSARY PURCHASE	CO	Withdrawal	-23.08	1.99	COMMISSARY SUMMARY POSTING
08/07/2012	WI	Deposit	40.00	41.99	BONI YOUNG
08/06/2012	WI	Deposit	30.00	71.99	RATTRAY
08/07/2012 COMMISSARY PURCHASE	CO	Withdrawal	-1.96	70.03	COMMISSARY SUMMARY POSTING
08/13/2012 COMMISSARY PURCHASE	CO	Withdrawal	-45.05	24.98	COMMISSARY SUMMARY POSTING
08/14/2012	PO	Withdrawal	-5.25	19.73	Postage
08/15/2012	WI	Deposit	100.00	119.73	KRISTIN RICE
08/14/2012					
08/15/2012	PO	Withdrawal	-3.65	116.08	POSTAGE KRISTIN RICE LEGAL SE

SUMMARY OF TRANSACTIONS

86.01

116.08 Ending Balance

United States Bankruptcy Court

District of Arizona

Case No. 2:12-bk-00787-RTBP

Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

SHAWN TALBOT RICE
P.O. BOX 1092
SELIGMAN, AZ 86337

KRISTIN LEONE RICE
aka MITCHELL
P.O. BOX 1092
SELIGMAN, AZ 86337

Social Security / Individual Taxpayer ID No.:

xxx-xx-1255

xxx-xx-8709

Employer Tax ID / Other nos.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 4/23/12

Redfield T. Baum PCT Sr.
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.